



(Ireland.)

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B I L L

For the Relief of Insolvent Debtors in *Ireland*.

Note.—The Figures in the Margin denote the Number of the Folios in the written Copy.

¹ **W**H^{ereas} notwithstanding the occasional Acts which have ^{Paraphr.} from time to time passed for the relief of Insolvent Debtors, and the discharge of many Prisoners for Small Debts by charitable donations, great numbers of persons generally remain confined for debt in different Prisons in *Ireland*; and it is therefore expedient to make a permanent provision for the relief of Insolvent Debtors in *Ireland*, under certain restrictions;

Be it therefore Enacted by The KING's Most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the

Appointment
of Court.

² it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to appoint one fit person, being a Barrister at law, of ten years standing at the least, to be His Majesty's Commissioner for the relief of Insolvent Debtors, and to preside in a Court to be called "The Court for Relief of Insolvent Debtors," which shall be a court of record for the purposes of this Act, and it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to appoint a Chief Clerk, with such number of assistant clerks, not exceeding as such Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall think proper, and a Provisional Assignee, to be the respective officers of the said Court; and that when and as soon as the said respective appointments shall have been notified in *The Dublin Gazette*, such Court shall be deemed to be fully constituted and established, and that such Court shall have such like and the same powers of compelling the attendance of witnesses, and of requiring and compelling the production of books papers and writings, as are now possessed by any of the superior Courts in *Dublin*, and that the said Court shall also have the power of committing all persons guilty of any contempt to the said Court, to the Marshalsea of the Four Courts, and the

power of fining in a summary way any of the officers of the said Court who shall be guilty of any negligence, wilful or unnecessary delay or other misconduct whatsoever, towards any of the suitors of the said court, his her or their attorneys or agents: Provided always, That the said Court shall not have the power of awarding costs against any person or persons whatsoever, except in such cases only where such costs are hereinafter expressly mentioned and permitted to be awarded by this Act.

*Officers of
Court not to
take Grat-
uities.*

Provided always, and be it further Enacted, That it shall not be lawful for the said Commissioner, or the chief clerk, assistant clerks, provisional assignee, or any other of the officers of the said Court, to take any money, fee, reward or other gratuity whatsoever, from any of the suitors of the said Court, his her or their attorneys or agents, upon any pretence whatsoever; and that no conveyance, assignment, affidavit, or other proceedings whatsoever in the said Court, shall be liable to the payment of or be chargeable or charged with the payment of any stamp or other duty whatsoever.

*Persons may
apply for
discharge
from Confinement*

Provided always, and be it further Enacted, That when and as soon as the said Court shall be fully constituted and established, it shall be lawful for every person in Ireland, who shall be in actual custody upon any process whatsoever, issuing from any Court whatsoever, for or by reason of any debt, damage, costs, sum or sums of money, or contempt for nonpayment of money whatsoever, at any time within the space of fourteen days next after the establishment of such Court, or the commencement of such actual custody, to apply by Petition in a summary way, to the Court to be established by virtue of this Act, for his or her discharge from such confinement, according to the provisions of this Act; and in such petition shall be stated the place wherein such prisoner shall be then confined, the time when such prisoner was first charged in custody, together with the name or names of the person or persons at whose suit or prosecution he or she shall, at the time of presenting such petition, be detained in custody; and the amount of the debts and sums of money for which such Prisoner shall be so detained; and shall pray to be discharged from custody, and to have future liberty of his or her person against the demands for which such Prisoner shall be then in custody, and against the demands of all other persons who shall be or claim to be creditors of such Prisoner at the time of presenting such petition; to which petition shall be annexed a Schedule, containing a full and true description of all and every person and persons to whom such Prisoner shall then be indebted, or who, to his or her knowledge or belief, shall claim to be his or her creditors, together with the nature and amount of such debts and claims respectively, distinguishing such as shall be admitted from such as shall be disputed by such Prisoner; and also a full true and perfect account of all the estates and effects, real and personal, in possession, reversion, remainder or expectancy, and also of all rights and powers of every nature and kind whatsoever, which such Prisoner, or any other person or persons in trust for such Prisoner, or for his or her use benefit or advantage in any manner whatsoever, shall be seized or possessed of, or interested

*Credits of
Creditors.*

Schedule.

5 interested in or entitled unto, or which such Prisoner or any person or persons in trust for him or her, or for his or her benefit, shall have any power to dispose of, or charge for the benefit or advantage of such Prisoner at the time of presenting such petition, together with a full true and perfect account of all debts at such time owing to such Prisoner, or to any person or persons in trust for him or her, or for his or her benefit or advantage, either solely or jointly with any other person or persons; and the names and places of abode of the several persons from whom such debts shall be due or owing, and of the witnesses who can prove such debts, so far as such Prisoner can set forth the same; and such Schedule shall also fully and truly describe the wearing apparel and bedding of such Prisoner, and his or her family; and the working tools and implements, and other such necessities, not exceeding in the whole the sum of twenty pounds, which may be excepted by such Prisoner from the operation of this Act, together with the values of such excepted articles respectively; and the said Petition and Schedule shall be respectively subscribed by such Prisoner, and shall forthwith be filed in the said Court.

6 And be it further Enacted, That in case any such Prisoner shall have been arrested on mesne process, and shall have remained in actual custody during the space of nine months, without having claimed the benefit of this Act, or in case any such Prisoner shall be in actual custody, charged in execution upon any judgment obtained against such Prisoner in any suit whatsoever, it shall and may be lawful for any one person being or claiming to be creditor of such Prisoner to the amount of or for any two or more persons being or claiming to be creditors of such Prisoner to the amount of

Petitioning
Creditor may
compel the
surrender of
Property.

7 to apply by Petition in a summary way to the said Court, that such Prisoner may be compelled to surrender his or her property for the general benefit of all his or her creditors; and in such petition such creditor or creditors shall set forth the nature and amount of the respective debt or debts due and owing from such Prisoner to such creditor or creditors respectively, and the time when they were contracted; and to such petition shall be annexed an affidavit made by the said creditor or creditors, and sworn before one of the Commissioners of the said Court, or before a Master ordinary or extraordinary in Chancery, which oath they are hereby respectively authorized to administer; in which affidavit such creditor or creditors shall respectively swear, that the contents of such petition are true; and such petition and affidavit shall be respectively subscribed by such creditor or creditors, and shall be filed in the said Court.

Provided always, and be it further Enacted, That when and as soon as such petition and affidavit shall have been filed in the said Court, such Court shall forthwith order such Prisoner to make out and deliver to the said Court, such like and the same Schedule as is hereinbefore directed to be made out and delivered, in case such Prisoner shall petition the said Court for his or her discharge; provided always, that in case such Prisoner shall neglect or refuse to make out and deliver any such schedule within a reasonable time, it shall and may be lawful for such Court

Order upon
Petition.

to order that such Prisoner be committed to the common goal or house of correction nearest to the place where such Prisoner shall be in such actual custody, there to be kept to hard labour till he shall submit himself to the said Court, or until the said Court shall make further order to the contrary; and that when and as soon as such Prisoner shall have made out and delivered such schedule to the said Court, such schedule shall be filed in the said Court.

Estate of
Prisoner
vested in the
provisional
Assignee.

And be it further Enacted, That when and as soon as the said petition and schedule of such Petitioner, or the petition and affidavit of such creditor or creditors, together with the schedule of such Prisoner, as are hereinbefore mentioned, shall have been respectively filed in the said Court, all the estate, right, title, interest and trust of such Prisoner, of in and unto all the real estate, and to all the personal estate, debts, books and effects of every such Prisoner, except to the wearing apparel bedding and other such necessities of such Prisoner, and his or her family, excepted in such Prisoner's schedule, shall immediately be and the same is hereby vested in the Provisional Assignee of the said Court: Provided always, That the said Court shall and may order and direct such provisional assignee, or such assignee or assignees as are hereinafter mentioned, to pay out of the said estate and effects before mentioned to the said Prisoner, such allowance for his or her support and maintenance during such Prisoner's confinement in actual custody, as to the said Court shall seem reasonable and fit.

Appointment
of day of
Meeting.

And be it further Enacted, That the said Court shall forthwith, after such petitions and other proceedings shall have been respectively filed in the said Court, cause notice thereof to be inserted in *The Dublin Gazette*, and in such other two or more newspapers as the said Court shall direct; and shall appoint a day and place for the creditors of such Prisoner to meet before the said Court, which meeting shall in every case be appointed to take place within one calendar month next after the day of filing such petitions respectively, to prove their respective debts, and to choose an Assignee or Assignees of the estate and effects of such Prisoner; at which meeting the said Court shall admit the proof of the debts of such creditors as shall so be present, and such Assignee or Assignees shall be so chosen accordingly; and in case any creditor shall live more than 9 miles from the place of such meeting, then such Court may receive proof of such creditor's debt by affidavit, and such Court may also admit any person duly authorized by letter of attorney from such creditors, oath being made of the due execution thereof, by an affidavit sworn before a Master in Chancery, ordinary or extraordinary, or before the said Court civil or ecclesiastical, which oath they are hereby respectively authorized to administer; and in case of any creditor residing in foreign parts, such affidavit to be made before a magistrate where the party shall be residing, and together with such creditor's letter of attorney, attested by a notary public, to vote with such other creditors who shall be present, and shall have proved their debts before such Court, in the choice of an assignee or assignees of such Prisoner's estate and effects in the place of such absent creditor; 10

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and such person or persons as the major part in value of such creditors, according to the several debts then proved shall choose, shall be appointed assignee or assignees of the estate and effects of such Prisoner; and the assignee or assignees so chosen shall be obliged to keep one or more distinct book or books of account, wherein he or they shall duly enter all sums of money or other effects, which he or they shall have got in or received out of the said Prisoner's estate, to which book or books of account every creditor who shall have proved his or her debt, shall at all reasonable times have free resort, and inspect the same as often as he or she shall think fit.

Provided always, and be it further Enacted, That the said Court shall and may order such Prisoner to be brought before the Court from time to time, for the purpose of examining such Prisoner, and shall and may examine such Prisoner upon oath, touching all such matters and things as to such Court shall seem reasonable and proper; and the said Court shall and may disallow the proof of such debts as shall not be satisfactorily proved, and also expunge such debts as shall not have been
 81 *bona fide* incurred, notwithstanding the same shall have been admitted in the schedule of such Prisoner: Provided always, That in case any such debt shall be disallowed by such Court, or in case any creditor shall wholly omit and neglect to prove his debt before such Court, such creditor shall from and after the discharge of such Prisoner as hereinafter mentioned, be for ever barred from recovering such debt; unless on special application the Court shall, upon condition of not disturbing any dividend or dividends theretofore made, admit of such proof, or previous to the final dividend admit a claim for the same.

Compelling
attendance of
Witnesses.

And be it further Enacted, That at the said first and other adjourned meetings of creditors hereinbefore mentioned, the said Court shall examine into the particulars of the Schedule delivered by such Prisoner, and the truth of the statements therein contained, and shall also examine into the manner in which such debts shall have been contracted, and whether such Prisoner shall have unnecessarily delayed, or put any of his creditors to unnecessary expense, by any vexatious or frivolous defence in any action.

Commissioner
to examine
into Particulars
of Schedule.

And be it further Enacted, That when and as soon as the choice of such assignee or assignees shall be made at the said first meeting of creditors, before the said Court, and such assignee or assignees shall
 82 signify to the said Court their acceptance of the said appointment, every such Prisoner's estate, effects, rights and powers vested in such provisional assignee as aforesaid, shall immediately become, and the same are hereby vested in such assignee or assignees in trust for the benefit of such assignee or assignees and the rest of the creditors of every such Prisoner, in respect of or in proportion to their respective debts; and such assignee or assignees in whom the same shall become vested as aforesaid, is and are hereby fully empowered to sue from time to time as there may be occasion, in his her or their own name or names, for the recovery, obtaining and enforcing any estate, effects rights or powers of any such
 Prisoner;

Effect of Provisional Assignee to vest in Assignees when appointed.

Estate and Effects of Prisoner shall vest in Assignees chosen at Meeting.

Prisoner; and also to execute any trust or power vested in or created for the use or benefit of any such Prisoner, but in trust for the benefit of such assignee or assignees, and the rest of the creditors of every such Prisoner, and to give such discharge and discharges to any person or persons who shall respectively be indebted to such Prisoner as may be requisite; and every such assignee or assignees shall, with all convenient speed after his or their accepting such appointment, use his and their best endeavours to receive and get in the estate and effects of every such Prisoner, and shall with all convenient speed make sale of all the effects of such Prisoner vested in such assignee or assignees; and if such Prisoner shall be interested in or entitled to any real estate, either in possession reversion remainder or expectancy, the same, within the space of twelve months after the appointment and acceptance of such assignee or assignees, shall be sold by public auction, by and with the consent of, and in such manner and at such place as shall be agreed on, under the hands of the major part of the creditors of any such Prisoner, who shall assemble together on any notice in writing, published days before such sale shall be made, in *The Dublin Gazette*, and in some daily paper printed and published in *Dublin*, if the Prisoner before his or her commitment to actual custody resided in *Dublin*, or within the Circular Road, and if elsewhere, then in some printed newspaper which shall be published in or near the county, city, town, or place in which such Prisoner resided, before he or she was committed to actual custody; and every such assignee or assignees, at the end of three months at the furthest, from the time of his or their appointment and acceptance as aforesaid, shall make a fair and just dividend of all such Prisoner's estate and effects which shall have been then recovered, amongst his or her creditors, in proportion and in regard to each creditor's respective debt; but before any such dividend shall be made, such assignee or assignees shall make up an account of such Prisoner's estate, and every such account shall contain a fair and just account of the estate and effects of every such Prisoner, got in by or for such assignee or assignees, and of all payments made in respect thereof; and such assignee or assignees shall make oath of the truth of such account before the said Court, or before a Master ordinary or extraordinary in Chancery, which oath they are hereby respectively authorized to administer; and notice of the making of every such dividend shall be published in the like manner as a meeting of the creditors is hereinbefore directed to be published days at the least before the same shall be made.

In case Prisoner or Creditors are dissatisfied, the Court may require Assignee to deliver account on Oath.

And be it further Enacted, That in case such Prisoner, or any of his or her creditors who shall have proved their debts, shall at any time be dissatisfied with the account of any assignee or assignees so rendered upon oath as aforesaid, or in case any such assignee or assignees shall neglect to render such account, or shall neglect to dispose of the property or collect the effects of such Prisoner, or shall in any manner waste or mismanage the estate or effects of such Prisoner, or neglect to make a due distribution thereof, it shall be lawful for such Court, upon the application of such Prisoner, or of any such creditor as aforesaid, to require such assignee or assignees to render such account on oath

- as is directed by this Act, if not before rendered, and to examine any account so rendered, and to inquire into any waste mismanagement or neglect of the estate or effects of such Prisoner, and direct a proper administration thereof, and ascertain the produce of such estate and effects to be divided amongst the creditors of such Prisoner, and direct the distribution thereof accordingly, and to require and compel the production of all books papers and writings necessary for such purposes, and to examine all parties and their witnesses on oath, as the case may require, and to take all such measures as shall be necessary for the compelling and rendering of such account and the due investigation thereof, and the proper disposition and distribution of the effects of such prisoner according to this Act, and to award costs against any of the parties as justice shall require; and the decisions of the said Court upon all such matters shall be final and conclusive.

Provided always, and be it further Enacted, That all and every creditor and creditors of any such Prisoner, for any sum and sums of money payable by way of Annuity or otherwise, at any future time or times, by virtue of any bond covenant or other securities of any nature whatsoever, may be and shall be entitled to be admitted a creditor or creditors, and shall be entitled to receive a dividend or dividends of the estate of such Prisoner, in such manner and upon such terms and conditions as such creditor or creditors would have been entitled unto by the laws now in force if such Prisoner had become bankrupt, and without prejudice in future to their respective securities, otherwise than as the same would have been affected by a proof made in respect thereof by a creditor under a commission of bankrupt, and a certificate obtained by the bankrupt under such commission.

Assaults...

- 17 Provided always, and be it Enacted, That any person holding any security whatsoever, for which such Prisoner never received any valuable consideration, shall not be entitled to receive any benefit from the estate of such Prisoner, unless the person holding such security shall make it appear to the satisfaction of the Court at such first or other adjourned meeting, that he or she became possessed of the same *bona fide* and for good or valuable consideration.

Person holding security for what Prisoner never received any valuable consideration, shall not be entitled to receive benefit from Estate of Prisoner.

Provided further, and be it also Enacted, That no suit in law or equity shall be commenced by any assignee or assignees of any such Prisoner's estate and effects, without the consent of the major part in value of the creditors of such Prisoner, who shall meet together pursuant to a notice, to be given at least days before such meeting in *The Dublin Gazette* or other newspaper which shall be published in the neighbourhood of the last residence of such Prisoner, for that purpose.

Suits not to be commenced by Assignees without the consent of the Creditors.

- Provided always, and be it further Enacted, That nothing in this Act shall extend or be construed to hinder or prevent any Mortgage charges or claims upon the estate of such Prisoner, or any part thereof, made prior to the commencement of the actual custody of the said Prisoner, to take place upon the lands tenements or hereditaments, or personal estate or effects, comprised in or charged or affected by such mortgage charges or liens respectively, nor to prevent any statute staple, statute merchant, 522. recognizance

Giving Mortgages upon Estate of such Prisoner previous.

recognizance or judgment acknowledged by or obtained against such Prisoner, prior to the commencement of such actual custody of such Prisoner as aforesaid, to take place upon the lands tenements or real estates of such Prisoner; and also where any inquisition shall have been taken upon any such statute or recognizance, or any writ of execution shall have been taken out and delivered to the Sheriff or proper officer upon any such judgment, before such Prisoner shall have been committed to actual custody as aforesaid, the personal estate of such Prisoner shall be subject thereto, in the first place for so much as shall remain due upon such mortgage charge (the amount thereof to be first ascertained by an account to be taken by the Court,) lien, statute, recognizance, or judgment respectively, in like manner as such mortgagees and persons having such charges or liens and creditors by statute recognizance or judgment respectively would have been preferred to other creditors of an inferior nature, against the real or personal estate of such Prisoner, if this Act had not been made, any thing hereinbefore contained to the contrary notwithstanding.

Life interests
in real or per-
sonal Estates.

AND whereas many persons who may claim the benefit of this Act, or be brought within the operation of this Act, may be seized and possessed of lands tenements and hereditaments to hold for the term of their natural lives, with power of granting leases with or without taking fines, on such estate for one two or three lives in possession or reversion, or for some number of years determinable upon lives, or have powers over real or personal estate, which such Prisoners could execute for their own advantage, and which said powers ought to be executed for the benefit of the creditors of such Prisoners; BE it therefore Enacted, That in every such case all and every the powers of leasing such lands tenements and hereditaments, and all other such powers as aforesaid, over real or personal estate, which are or shall be vested in any such Prisoner as aforesaid, shall be and are hereby vested in the assignee or assignees of the real and personal estate of such Prisoner, by virtue of this Act, to be by such assignee or assignees executed for the benefit of all and every the creditors of such Prisoner as aforesaid.

Powers of
leasing vested
in Assignees.

For making
Compositions.

And be it further Enacted, That it shall and may be lawful at all times hereafter for any assignee or assignees of the estate or effects of any prisoner who shall be chosen in pursuance of this Act, by and with the consent of the major part in value of the creditors of such Prisoner, who shall be present at a meeting to be had on _____ days notice previously given for the purpose hereafter mentioned in *The Dublin Gazette*, if the Prisoner was in custody in *Dublin* or within the Circular Road, and if not, then also in some newspaper which shall be published in the county city or place in or near which such Prisoner shall have been in such actual custody, to make Compositions with any debtors or accountants to such Prisoner, where the same shall appear necessary or reasonable, and to take such reasonable part of any such debt as can upon such composition be gotten, in full discharge of such debts and accounts, and to submit to arbitration any difference or dispute between such assignee or assignees and any person

or

or persons, for or on account or by reason of any matter cause or thing relating to the estate and effects of such Prisoner; and every such assignee or assignees is and are hereby indemnified for what they shall fairly do in the premises, in pursuance of this Act.

- And be it further Enacted, That the Assignee or Assignees of any such Prisoner shall have power, by virtue of this Act, by deed indented and enrolled within Assignee may dispose of manors, lands, &c. for benefit of creditors. months after the making thereof, in some of His Majesty's Courts of Record in *Dublin*, to grant, bargain, sell and convey any manors, lands, tenements or hereditaments, whereof any such Prisoner is or shall be in any ways seised, of any estate in tail, in possession, reversion or remainder, and whereof no reversion or remainder is or shall be in the King's Majesty, His heirs and successors, of the gift or provision of His Majesty, His Progenitors, His heirs or successors, to any person or persons, for the relief or benefit of the Creditors of such
- 21 Prisoner; and that all and every such grants, bargains, sales and conveyances, shall be good and available in the law to such person or persons, and their heirs, against the said Prisoner, and against all and every the issues of the body of such Prisoner, and against all and every person and persons claiming any estate, right, title or interest, by from or under such Prisoner, and against all and every other person or persons whomsoever, whom the said Prisoner by common recovery or other ways and means might cut off or debar from any remainder, reversion, rent, profit, title or possibility, into or out of the said manors, lands, tenements or hereditaments.

- And be it further Enacted, That in case no assignee or assignees of the estate and effects of such Prisoner shall have been chosen at such first meeting of creditors heretofore mentioned, or in case of the death incapacity or misconduct of any such assignee, or in case any such assignee shall be unwilling to act as assignee, it shall and may be lawful to and for any creditor of such Prisoner, to apply to the said Court to appoint another assignee or assignees, with like powers and authorities as are given by this Act to the original assignee or assignees; and the said Court shall have power to appoint such assignee or assignees, and to oblige any assignee
- 22 who shall be removed, and the heirs, executors, administrators and assigns of any deceased assignee, to account for and deliver up all such estate and effects, books, papers, writings, deeds and all other evidences relating thereto, as shall remain in his or her hands, to be applied for the purposes of this Act; and the decision of the said Court thereupon shall be final and conclusive; and upon such order for appointing such new assignee or assignees, all and every property real and personal, and all rights and powers vested by virtue of this Act, either in the provisional assignee or in such former assignee at his or her death or removal, whether solely or together with any other assignee or assignees, shall become, and be *ipso facto* vested in such new assignees, in the like plight and manner in all respects.

Appointing new Assignees

And be it further Enacted, That in case any such assignee or assignees, or the heirs executors or administrators of any deceased assignee or

C

Obliging Executors of Assignees to

deliver over
Effects of
Prisoners.

assignees, shall not deliver over any part of such estate or effects, or pay the balance of the produce of any such estate or effects, found to be in the hands of such assignee or assignees, or of such heirs executors or administrators as aforesaid, according to the tenor of this Act, it shall be lawful for the Court to be established by virtue of this Act, to order the person or persons so offending to be arrested and committed to the goal of the county, county of a city or county of a town where they shall reside, 23 there to remain without bail or mainprize, until such person or persons shall have fulfilled the duty required by this Act, or until such Court shall make other order to the contrary.

Notice to be
given when
Prisoner will
attend the
Court.

And be it further Enacted, That when and as soon as the said creditors shall have proved their respective debts, and the said Court shall have examined into the Schedule of the said Prisoner, the said Court shall forthwith cause days notice to be given in *The Dublin Gazette*, and in such one or more newspaper as the said Court shall direct, of the day on which the said Prisoner will be brought before the said Court for his final examination, and that upon such day the said Court shall cause such Prisoner to be brought before the Court, to be examined touching the truth of the matters contained in such Petition and Schedule; and in case days notice shall have been given to such Prisoner by any creditor whose debts shall have been allowed, of his or her intention to oppose such Prisoner's discharge, it shall and may be lawful, both for the said creditor and any other of the creditors of the said Prisoner, whose debts shall have been allowed, to oppose in person or by Attorney or Counsel, such Prisoner's discharge, and for that purpose to put such questions to such Prisoner as the said Court shall think fit, touching the matters contained in such petition and schedule, and touching such other matters as the said Court shall be of opinion that it may be fit and proper to inquire into, in order to the due execution of this Act; and in case such Prisoner shall not be opposed, or in case such Prisoner shall upon such examination answer fully and to the satisfaction of the said Court, then and in such case such Court shall declare that such Prisoner is entitled to the benefit of this Act, and shall forthwith order that so soon as such Prisoner shall have been in actual custody for the full term of calendar months, to be computed from the date of such Prisoner's first being committed to such actual custody, or from the commencement of this Act, if such Prisoner shall be then in custody, such Prisoner shall be discharged from custody: Provided always, That in case it shall appear to such Court, that the opposition to the petition of such Prisoner by any of such creditors is frivolous or vexatious, that then it shall and may be lawful for such Court to award such costs to such Prisoner as shall appear unto the Court to be just and reasonable. 24

When Prisoner contracts Debts fraudulently, term of confinement to be extended.

And be it farther Enacted, That in case it shall appear to the said Court, upon the examination of such Prisoner, or by evidence, that such Prisoner shall have contracted any of the said debts fraudulently or without having any reasonable or probable expectation at the time when they shall have been so contracted, of paying the same, then it shall and may be lawful for the said Court to order that the term of the confinement of such 25

such Prisoner before he shall be so discharged out of custody, shall be extended from months to any period not exceeding years, to be computed from the date of such Prisoner's being first committed to such actual custody as aforesaid.

And be it further Enacted, That in case it shall appear to the said Court, by such examination or by evidence, that any such Prisoner shall have put any of his or her creditors who shall have proved their debts, to any unnecessary expense, by any vexatious or frivolous defence to any suit for recovering the same, it shall and may be lawful for such Court to order that the term of such Prisoner's confinement before he shall be discharged, shall be extended from months to any term not exceeding months, to be computed as aforesaid.

*Preventing
unnecessary
delay and
expense.*

And be it further Enacted, That in case it shall appear to the said Court, that any such Prisoner shall have wilfully or fraudulently omitted any effects or property whatsoever, to the value of not less than

*Preventing
Persons wil-
fully omitting
Effects or
Property in
their Sched-
ules.*

26 in the whole, in his or her Schedule, then and in such case such Court shall order such Prisoner to be discharged out of custody when and as soon as such Prisoner shall have been in such actual custody for the term of months, to be computed as aforesaid.

And be it further Enacted, That the Assistant Barristers shall and may proceed as hereinafter provided for the purposes of this Act, within their respective counties, and within any counties of cities or towns to which their jurisdiction for the trial of civil bills shall extend respectively; and that it shall and may be lawful for such Court to order, in all cases where such Court shall see fit to order, that such Prisoner's schedule shall be referred, and that such first and other adjourned meetings of creditors for the purposes aforesaid, hereby authorized to be held before the said Court, shall and may in like manner be held before such Assistant Barristers respectively, and all such powers as are hereinbefore given for the purposes of this Act, to such Court in that behalf, shall and may be, and the same are hereby given to such Assistant Barristers: Provided always, That such like and the same notices of such first and other adjourned meetings as are hereinbefore required to be given, in

27 case such meeting shall be held before the said Court, shall be given in case such first and adjourned meetings shall, by order of the said Court, be held before one of such Assistant Barristers as aforesaid, and that every such Assistant Barrister shall in all cases certify the proof of such debts as shall have been allowed before him, together with such Prisoner's schedule, and the mode in which such Prisoner's debts shall have been contracted, and all other matters and things hereinbefore mentioned, together with his opinion thereon, to the Court to be established by virtue of this Act, in order to pass the final examination of such Prisoner as hereinafter mentioned.

*Appointment
of Examiners.*

And be it further Enacted, That the Court established by virtue of this Act, shall and may in such cases as they shall think fit, order and direct that such Prisoner, instead of being brought before such Court for final examination, shall be examined by the said Assistant Barristers respec-

*Court may
direct Pri-
soners to be
examined
before AGs.*

not Barristers
at Quarter
Sessions.

tively at the General Quarter Sessions of the Peace, or any adjournment thereof, who are hereby respectively empowered and required to take such examination pursuant to such order; and the said Court shall forthwith cause days notice to be given in *The Dublin Gazette*, and in such one or more newspapers as the said Court shall direct, of the day on which, and the place where the said Prisoner will be brought before the said Assistant Barrister for his final examination; and such Prisoner shall, according to such order, be carried before such Assistant Barrister (for which such order shall be a sufficient warrant;) and in case any one creditor, whose debt shall have been allowed, shall give days notice to such Assistant Barrister of his or her intention to oppose in person or by Attorney or Counsel, such Prisoner's discharge, then it shall and may be lawful for any other creditor whose debt shall have been allowed, to oppose in manner aforesaid such Prisoner's discharge, and to put to such Prisoner all such questions as to such Assistant Barrister shall appear relevant and proper; and such Prisoner shall answer upon oath all such questions; and if it shall appear to the said Assistant Barrister, upon such final examination or by evidence, that such Prisoner is entitled to the benefit of this Act, then the said Assistant Barrister shall so declare and adjudge, and shall certify the same to the Court to be established by virtue of this Act; and in case it shall appear to the said Assistant Barrister, by such examination or by evidence, that such Prisoner shall have contracted any of such debts as shall have been allowed, fraudulently, or without any reasonable or probable expectation at the time of contracting the same of being able to pay the same, or that such Prisoner shall have put any of such creditors as shall have proved their debts to unnecessary expense, by any vexatious or frivolous defence or improper delay in any suit for recovering the same, or that such Prisoner shall have wilfully or fraudulently omitted any effects or property whatsoever, to the value of 28

or more in the whole, in his schedule, then such Assistant Barrister shall so declare and adjudge, and shall also declare and adjudge in like manner, and subject to the same limitations as are hereinbefore mentioned and imposed in such cases upon the Court to be established by virtue of this Act, for what period of time such Prisoner shall remain in actual custody before such Prisoner shall be discharged from custody by virtue of this Act; and such Assistant Barrister shall forthwith certify the same to the Court to be established by virtue of this Act; and thereupon such Court shall accordingly order and direct that the said Prisoner shall be discharged from custody, when and so soon as he shall have been in such actual custody for the full period of time expressed in such certificate as aforesaid. 29

Prisoners re-
fusing to pro-
duce Books
and Vouchers
not entitled
to be dis-
charged.

And be it further Enacted, That every Prisoner or Prisoners applying for his her or their discharge under the provisions of this Act, who shall refuse to produce to the said Court, or to the Assignee or Assignees of his her or their estates and effects, all his her or their Books of Account and other Papers containing his her or their Accounts made up to the latest period to which the same can be brought down, and all and singular the vouchers and documentary evidence relating to the estate and effects of such Prisoner or Prisoners, not having a reasonable excuse arising from the 30

the necessity of adjusting the said Accounts or otherwise, to be allowed by the said Court; such Prisoner or Prisoners so refusing shall not be entitled to the benefit of this Act, or to his her or their discharge under or by virtue thereof.

- And be it further Enacted, That such order of the said Court for the Discharge of such Prisoner shall in all cases be final and conclusive, and shall not be again revived by the said Court, unless such Court shall after such Prisoner shall have been adjudged guilty of any fraud or other offence within this Act, see good and sufficient cause to believe that such adjudication and the order founded thereon, have been made upon false evidence; and in such case it shall and may be lawful for such Court, on such Prisoner giving 31 days notice in *The Dublin Gazette*, and such one or more newspapers as the Court shall direct, to order such Prisoner to be brought again before them and to rehear the matter, and thereupon to make such order as shall be agreeable to the rules and principles prescribed by this Act: Provided always, That in case such Court shall entertain any doubt touching any matter alleged against such Prisoner at the time of his final examination before-mentioned, to prevent his or her discharge, or touching the examination of such Prisoner, it shall be lawful for such Court to remand such Prisoner to custody, and afterwards to cause such Prisoner to be again brought up for examination, as often as to the said Court shall seem fit.

Order of Court for discharge of Prisoner shall be final

- And be it further Enacted, That after such final order and decision of the said Court, it shall and may be lawful for the said Court, at any time during the continuance of such Prisoner in such actual custody, upon an application of three-fourths at least in number and value of the creditors of such Prisoner who shall have proved their debts, to order the immediate discharge of such Prisoner out of custody: Provided always, That such application shall have no effect in case such Prisoner shall have been adjudged to have fraudulently contracted any one of the debts which shall have been proved, or put any creditor who shall have proved his debt to any unnecessary expense by a vexatious or frivolous defence, or by improper delay in any suit for recovering the same.

For Discharge of such Prisoner.

- And be it further Enacted, That when and as soon as such Court shall have ordered the discharge of such Prisoner as aforesaid, judgment shall be entered up against such Prisoner in some one of the superior Courts in *Dublin*, in the name of the assignee or assignees of such Prisoner, for the amount of such debts as shall have been proved against such Prisoner, and which shall at the time of such order remain due and unpaid to the said creditors; and such judgment shall have the force of a recognizance, and such order of the Court to be established by virtue of this Act shall be a sufficient authority to the proper officer for entering up such judgment; and in case the amount of the debts of such Prisoner, at the time of such order, shall not exceed in the whole the sum of then and in such case it shall and may be lawful for the Court to be established by virtue of this Act to direct that judgment shall be entered up in such superior Court for any such sum, being less than the amount of such debts, as shall be specified in a petition

Judgment to be entered up in superior Court.

for that purpose, to the Court to be established by virtue of this Act signed by at least is number and value of the creditors
who shall have proved their debts.

*Possibility
Perjury
of Perjury.*

And be it further Enacted, That if any Prisoner who shall apply for his or her discharge under the provisions of this Act, or any other persons taking an oath under the provisions of this Act, shall wilfully forswear and perjure himself or herself in any oath to be taken under this Act, and shall be lawfully convicted thereof, he or she so offending shall suffer such punishment as by law may be inflicted on persons convicted of

*Prisoner not
to be imprisoned
after dis-
charge by the
Court, by any
judgment for
payment of
Money.*

And be it further Enacted, That no Prisoner who shall have obtained his or her discharge by virtue of this Act, shall at any time after such discharge be imprisoned by reason of the judgment so as aforesaid entered up against him in the name of such Assignee or Assignees as aforesaid, or by reason of any judgment or decree obtained for payment of money only, or for any debt, damages, contempt for nonpayment of money, costs or sums of money, contracted, incurred, occasioned, owing or growing due at the time of the commencement of the actual custody of such Prisoner, but that upon every arrest upon any such judgment or decree, or for any such debt, damage, contempt, costs, sum and sums of money, it shall and may be lawful for any Judge of the Court from which any such process shall have issued, upon showing to such Judge the copy of the order for such discharge as aforesaid, to release from custody such prisoner as aforesaid, and at the same time, if such Judge shall in his discretion think fit, to order the plaintiff in such suit or suits, or any person or persons suing out such process, to pay such Prisoner the costs which he or she shall have incurred on such occasion, or so much thereof as to such Judge shall seem just and reasonable, such Prisoner causing a common appearance to be entered for him or her in the action or suit for any such debt as aforesaid. 33

*In Actions
brought
against any
Officer, the
General Issue
may be
pleaded.*

And be it further Enacted, That if any action of escape, or any suit or action be brought against any Judge, Assistant Barrister, Sheriff, gaoler, keeper of any prison, or any person, for performing the duty of his office in pursuance of this Act, such Judge, Justice, Sheriff, gaoler or keeper, or other person, may plead the general issue, and give this Act in evidence; and such Judge may prove thereon that he was a Judge at the time of the alleged grievance committed, and such other persons may prove the special matter of his defence, without having specially pleaded the same; and if the plaintiff be nonsuited, or discontinue his or her action, or verdict shall pass against him or her, or judgment shall be had upon demurrer, the defendant shall have double costs.

*plea of Dis-
charge by
Prerogative.*

And be it further Enacted, That if any *scire facias* or action of debt, or upon judgment, or any other suit or action shall be brought against any Prisoner, his or her heirs executors or administrators, upon any judgment obtained against any such Prisoner, or any statute or recognizance acknowledged by him or her, or any other cause of action arising before such Prisoner's discharge by virtue of this Act, except upon the judgment entered

- entered up by the assignee or assignees of such Prisoner under the order of the Court to be established by virtue of this Act, it shall and may be lawful for any such Prisoner, his or her heirs executors or administrators, to plead generally, that such Prisoner was duly discharged according to this Act by the order by which such discharge shall have been obtained, and that such discharge remains in force, without pleading any other matter specially, whereto the plaintiff or plaintiffs shall or may reply generally, and deny the matters pleaded as aforesaid, or reply any other matter or thing which may show the defendant or defendants not to be entitled to the benefit of this Act, or that such Prisoner was not duly discharged according to the provisions of this Act, in the same manner as the plaintiff or plaintiffs might have replied in case the defendant or defendants had pleaded this Act and his discharge by virtue of this Act specially; and if the plaintiff or plaintiffs be nonsuited, discontinue his or her action, or verdict pass against him her or them, or judgment shall be had on demurrer, the defendant or defendants shall have double costs.

Provided always, and be it further Enacted, That in case any such Prisoner shall after his discharge out of custody as aforesaid, become entitled to or possessed in his or her own right, of any stock in the public funds of this country, or of any bills of exchange, promissory notes, bank notes, or other choses in action, which by law cannot be taken in execution under the said judgment so entered up in the name of the said assignee or assignees, and such prisoners shall have refused to convey, assign, or transfer such stock, bills of exchange, promissory notes, bank notes, or other choses in action, or so much of them as may be sufficient to satisfy the said judgment, then and in such cases it shall and may be lawful for the assignee or assignees of such Prisoner to apply by petition in a summary way, setting forth the facts of the case to the said Court, and to pray that the said Prisoner may be taken and remanded to custody, notwithstanding any such discharge; and thereupon, if upon examination by the said Court, and hearing as well the said assignee or assignees as the said Prisoner, in case he shall appear, or the said assignee or assignees only, in case such Prisoner (due notice having been given to him) shall not appear, it shall appear to the said Court that the contents of the said petition are true, then and in such case such Court shall so declare and adjudge, and shall thereupon order the said Prisoner to be apprehended and remanded to custody, until he shall convey assign and transfer such stock, bills of exchange, promissory notes, bank notes or other choses in action, or so much thereof as may be sufficient to satisfy such judgment, to such assignee or assignees, for the general benefit of the creditors of such Prisoner.

Prisoners, after Discharge becoming entitled of public Funds, to deliver the same up.

- And be it further Enacted, That upon any application being made to the Court to be established by virtue of this Act for that purpose, by any creditor of such Prisoner, it shall and may be lawful for the said Court to appoint an Appraiser to value the wearing apparel of such Prisoner and his or her family, and the working tools and implements and other necessities, excepted by such Prisoner in his or her schedule from the operation of this Act.

For appointing an Appraiser

Regular Practitioners to practise in Court.

And be it further Enacted, That no person shall be allowed to practise as an attorney or agent in the Court to be established by virtue of this Act, unless he shall have been regularly admitted as an attorney or solicitor in some one or other of the superior courts in *Dublin*: Provided always, That in the case of misconduct of any such attorney or solicitor, the Court to be established by virtue of this Act, shall or may certify the facts of such misconduct to such of the superior Courts to which such attorney or solicitor may belong, which last mentioned Court shall and may thereupon make such order as to them shall seem reasonable and fit.

Attorneys acting as Agents for other Persons not qualified, or permitting their names to be used for the profit of unqualified Persons shall be struck off the Roll.

And be it further Enacted, That if any sworn Attorney or Solicitor shall act as agent in the Court to be established by virtue of this Act, for any person or persons, not being duly qualified to act as an attorney or solicitor in some or one of His Majesty's superior courts of Record in *Dublin*, or permit or suffer his name to be any ways made use of, upon the account or for the profit of any unqualified person or persons, or send any process or proceedings to such unqualified person or persons, thereby to enable him or them to appear act or practise in any respect as an attorney, solicitor or agent in the Court to be established by virtue of this Act as aforesaid, and complaint shall be made thereof in a summary way to the Court of which such attorney or solicitor shall have been admitted or enrolled, and proof made thereof, upon oath, to the satisfaction of the Court, that such sworn Attorney or Solicitor hath offended therein as aforesaid, then and in such case every such Attorney or Solicitor so offending, shall be struck off the roll, and for ever after disabled from practising as an attorney or solicitor.

Proceedings to have the Name of the Attorney indorsed thereon.

And be it further Enacted, That every process and proceeding issuing out of the Court to be established by virtue of this Act, shall, before the filing service or execution thereof, have subscribed or endorsed thereon the name of the attorney or solicitor, written in a common legible hand, by whom such process or proceeding respectively shall be filed or sued forth.

Affirmations may be taken.

And be it further Enacted, That in all cases wherein by this Act an oath is required, the solemn affirmation of any person being a Quaker, shall and may be accepted and taken in lieu thereof; and every person making such affirmation, who shall be convicted of wilful false affirmation, shall incur and suffer such and the same penalties as are inflicted and imposed upon persons convicted of

35

Penalizing persons wilfully counting in their Schedule effects to the value of £. 20.

And be it further Enacted, That from and after the in case any person shall, with intent to defraud his creditor or creditors, wilfully and fraudulently omit in his Schedule any effects or property whatsoever to the value of or more in the whole, every such person so offending shall, upon being thereof convicted by due course of law, be adjudged guilty of a misdemeanor, and thereupon it shall and may be lawful for the Court before whom such offender shall have been so tried and convicted, to sentence such offender to be imprisoned and kept to hard labour for any period of time not exceeding years.

And

AND whereas Prisoners claiming the benefit of this Act may be liable to be deprived of such benefit on account of mere matters of form, or error or omission in their Petitions, Schedules or other proceedings directed by this Act; BE it further Enacted, That it shall and may be lawful to and for the Court to be established by virtue of this Act, to amend matters of form, and to supply omissions, or to correct errors in the Petition, Schedule or other proceedings directed by this Act, in case the same shall appear to the said Court to have arisen from ignorance mistake or inadvertency, and not to have been wilful and fraudulent; any thing hereinbefore contained to the contrary notwithstanding.

Not to deprive Prisoners of benefit of Act on account of form.

Provided always, and be it further Enacted, That the sum of and no more shall be paid to any printer or proprietor of any newspaper, for the insertion of any advertisement hereinbefore directed to be inserted in any newspaper; and all printers and proprietors of newspapers are hereby required to insert the same on payment of the said sum of for the insertion thereof; and that no such advertisement shall be liable to the payment of, or chargeable or charged with any stamp or other duty whatsoever.

Sum to be paid for Advertisements.

And be it further Enacted, That lists of the names of all such Prisoners as shall be discharged by virtue of this Act, together with the last place of their abode, before their commitment to custody, shall from time to time be published in *The Dublin Gazette*.

Lists of Prisoners discharged to be published.

- 37 Provided always, and be it further Enacted, That nothing in this Act contained shall extend to entitle the assignee or assignees of the estate and effects of any Prisoner, being an officer of the Army or Navy, or in the naval or military service of the East India Company, or a beneficed Clergyman or Curate, to the pay of such officer, or to the income of such benefice or curacy, for the purposes of this Act: Provided always nevertheless, That it shall be lawful for such assignee or assignees to apply for and obtain a sequestration of the profits of any such benefice, for the payment of the debts of any such clergyman; and the order for such discharge shall be a sufficient warrant for granting of such sequestration, without any writ or other proceedings to authorize the same; and such sequestration shall accordingly be issued as the same might have been issued upon any writ of *levari facias*, founded upon any judgment against such clergyman: Provided also, That it shall be lawful for the said Court to order such portion of the pay or half pay of any such officer of the Army or Navy, or naval or military service of the East India Company, as on communication from the said Court to the Secretary at War, or the Lords Commissioners of the Admiralty, or the Court of Directors of the United East India Company, he or they may respectively consent to by writing under the hand of the said Secretary at War, or the Lords Commissioners, or secretary of the Admiralty, or said secretary of the Court of Directors, to be applied in payment of his debts, and for that purpose to be paid to his assignee or assignees; and such order and consent being lodged in the office of the Paymaster of His Majesty's forces, or of the Treasurer of the Navy, or of the said Court of Directors, as the case shall

Pay of Officers in the Army or Navy, or Benefice of Clergymen, not to be subject to the purposes of this Act.

require, such paymaster or treasurer or secretary shall give directions accordingly, and such proportion of the pay or half pay of such officer as shall be specified in such order and consent, shall be paid to his assignee or assigns, until the said Court shall make order to the contrary.

All not to extend to Crown Debts, or debts upon bail bonds, without consent of Lords of Treasury.

Provided always, and be it further Enacted, That this Act shall not extend, or be construed to extend, to discharge any Prisoner seeking the benefit of this Act, with respect to any debt due to His Majesty or His successors, or to any debt or penalty with which he or she shall stand charged at the suit of the Crown; or of any person for any offence committed against any Act or Acts of Parliament relative to His Majesty's Revenues of Customs, Excise or Stamps, or any of them, or any branches of the public Revenue; or at the suit of any Sheriff or other public officer, upon any bail bond entered into for the appearance of any person prosecuted for any offence committed against any Act or Acts of Parliament relative to His Majesty's said Revenue of Customs, Excise or Stamps, or any other branches of public Revenue, unless three of the Lords Commissioners of His Majesty's Treasury for the time being shall certify under their hands their consent to such discharge.

38

Commissioner to summon assignees before him, who are to account for their receipts and payments.

And be it further Enacted, That the Commissioner of the said Court to be appointed by virtue of this Act, shall immediately after the end of months next after the appointment of an Assignee or Assignees under this Act, summon such Assignee or Assignees before him, and examine him her or them upon oath or otherwise, touching his her or their receipts and payments; and shall thereupon order such dividend to be made of the estate and effects of such Prisoner, as they may think proper; and in case any dividend or dividends shall remain in the hands of such Assignee or Assignees for the space of months then next following, it shall and may be lawful to and for such Commissioner, and he is hereby authorized, to order and direct that such unclaimed dividend or dividends shall be immediately paid into the Court established under this Act; and in default of payment of such dividend or dividends, by the time by the said Commissioner to be for that purpose limited, it shall and may be lawful to and for the said Court to take such summary remedy for the purpose, by a distress and sale of the goods and chattels of such Assignee or Assignees, as to the said Court shall seem proper; and if no sufficient distress can be found, then and in such case the said Court shall be at liberty to commit the offender to the common gaol or house of correction, without bail or mainprize, there to remain until the said Court shall make other order to the contrary.

Not to release any attorney or person acting as such, with regard to any money or effects received by him and embezzled, nor to release any servant for embezzling

Provided also, and be it further Enacted, That nothing in this Act shall extend, or be construed to extend, to release or discharge any Attorney at Law, Solicitor, or any other person acting or pretending to act as such, with regard to any debt or demand for any money or other effects recovered or received by him for the use of any person or persons, bodies corporate or politic, and by any such attorney, solicitor, or other person acting as such, embezzled, concealed or converted to his own use; or to release or to discharge any servant or other person employed or entrusted

39 trusted as such, with regard to any debt or demand for or on account of any money goods or other effects received or possessed by him or her for the use and account of his or her master or masters, or employer or employers, and by such servant or other person so embezzled concealed or converted to his or her own use; or to release or discharge any person with regard to any debt or demand arising from or created by any breach of trust or confidence, any thing herein contained to the contrary thereof in anywise notwithstanding; unless the person or persons to whom such debt or demand shall be due or owing, shall consent to the discharge of such Prisoner by virtue of this Act; or unless such Prisoner shall have been confined in prison for such debt or demand, for the space of years before the time when such Prisoner shall apply for his or her discharge by virtue of this Act.

his master's property, unless the person defrauded shall consent, or unless the prisoner shall have been confined Five Years.

Provided also, and be it further Enacted, That no Prisoner who knowingly and designedly by false pretence or pretences, or under any fictitious name or names assumed for the purposes of obtaining credit, or by any other fraudulent means, shall have obtained from any person or persons, money, goods, wares or merchandizes, bonds, bills of exchange, promissory notes, or other securities for money or other effects, or who shall have contracted any debt by fraudulently obtaining false credit, or by any other fraudulent means, or who shall have fraudulently removed or caused to have been removed any stock, cattle, goods or effects of the value of or upwards, which were subject or liable to be distrained by his or her landlord or landlords for any rent or rents, whereby such landlord or landlords shall have lost all or some part of such rent or rents, shall have any discharge by or under this Act from the debt or demand arising from or remaining due in consequence of such fraudulent conduct, unless the person or persons who shall be entitled to such debt or demand shall consent to the discharge of such Prisoner by virtue of this Act, or such Prisoner shall have been confined in prison for such debt or demand, for the space of years before the time when such Prisoner shall apply for his or her discharge by virtue of this Act.

Prisoners who shall have obtained money or goods by false pretences, or who have removed effects of the value of £. 20, liable to be distrained for rent, shall not be discharged unless the persons aggrieved shall consent, or the prisoner shall have been confined Five Years.

Provided also, and be it further Enacted, That no Prisoner who shall have suffered any person who has become Bail or Surety for such Prisoner to be charged in respect of such bail or surety, shall be discharged by virtue of this Act from any debt or demand arising on such account, without the consent of the person or persons entitled to such debt or demand.

No prisoner who has suffered his bail to be charged, shall be discharged.

40 Provided also, and be it further Enacted, That no Prisoner who shall be charged in execution for damages recovered in any action for criminal conversation with the wife of the plaintiff in such action, or in any action for seducing or carnally knowing the daughter or female servant of the plaintiff in such action, or in any action for a malicious prosecution, or in any action for any other malicious injury, shall have any discharge from such debt or damages under this Act, unless the person or persons entitled to the benefit of such debt or damages shall consent to

No prisoner charged in execution for damages recovered in actions for Crim. Con. or Seduction, or in actions for malicious injuries, shall be discharged, unless he has

been confined
five Years,
&c.

the discharge of such Prisoner by virtue of this Act, or unless such Prisoner shall have been confined in prison for such debt or damage for the space of years before the time when such Prisoner shall apply for his or her discharge under this Act.

Commissioner
not to practise
as a Barrister.

And be it further Enacted, That it shall not be lawful for the Commissioner to be appointed under this Act, to practise as a Barrister in any Court of Justice, or in any part of the business thereof, so long as he shall continue to be such Commissioner.

Continuance
of this Act.

And be it further Enacted, That this Act shall continue in force until the and thenceforth until the end of the next Session of Parliament, and no longer.

Act may be
amended in
present Ses-
sion.

Provided always, and be it further Enacted, That this Act, or any part thereof, may be repealed or altered by any new Act or Acts to be made in this present Session of Parliament.

FORMS OF NOTICES.

41

Form of Notice of the day on which the Meeting of the Creditors is to take place.

Court for the Relief of } IN the Petition of A. B. [or, of C. D. a creditor
Insolvent Debtors. } of A. B.] an Insolvent Debtor, lately residing at
and now a Prisoner at

Notice is hereby given, That the said Petition, together with the Schedule of the said A. B. were, on filed in this Court; and this Court doth hereby appoint [*day, hour and place of meeting*] for the Creditors of the said A. B. to meet before G. H. Esquire, a Commissioner [or, Examiner] of this Court, to prove their debts, and to choose Assignees. Dated

By the Court.

Form of Notice of the final Examination of an Insolvent.

Court for the Relief of } IN the Petition of A. B. [or, of C. D. a creditor
Insolvent Debtors. } of A. B.] an Insolvent Debtor, lately residing at
and now a Prisoner at

Notice is hereby given, That the said A. B. will be brought before this Court on [or, if at Sessions, before the Assistant Barrister for the County of at the next General Quarter Sessions of the Peace, holden at] for his final Examination, touching his estate, effects and debts.

Dated

By the Court.

Form

- 42 *Form of Notice of a Meeting of Creditors, to consider whether an Insolvent's real Estate shall be sold.*

A. B.'s Estate.

Notice is hereby given, That a Meeting of the Creditors of *A. B.* who have proved their debts, will be held [*day, hour, and place of meeting,*] to consider when, where, and in what manner the real estate [*in possession, reversion, remainder, or expectancy*] of the said *A. B.* situate at
shall be sold for the benefit of his creditors.

C. D. } Assignees.
E. F. }

Form of Certificate to the Court for relief of Insolvent Debtors, from the Assistant Barrister at Quarter Sessions.

I, *A. B.* Assistant Barrister for the County [*or, County of the City, or, County of the Town*] of do hereby certify, That *C. D.* an Insolvent Debtor, was on the day of brought before me at the General Quarter Sessions of the Peace, at in the said County [*County of a City, or, County of a Town*] for his final Examination; and that the said *C. D.* is entitled to the benefit of an Act made in the fifty-ninth year of the reign of King George the Third, for the relief of Insolvent Debtors in *Ireland*.

To the Court for the } *A. B.* Assistant Barrister.
Relief of Insolvent Debtors. }

Or, if the case shall so require, after the words "final Examination," the said Certificate shall proceed as follows:

- And that the said *C. D.* having fraudulently omitted effects or property to the value of pounds in his Schedule [*or, having contracted a debt to *E. F.* fraudulently, or without any reasonable or probable expectation of being able to pay the same*] [*or, having put *G. H.* one of his creditors, to unnecessary expense, by a vexatious or frivolous defence, or by improper delay in a suit for recovery of his debt*] I have
43 declared and adjudged that the term of confinement of the said *C. D.* for such offence, ought to be extended from six months to before he shall be discharged from custody, by virtue of an Act made in the fifty-ninth year of the reign of King George the Third, for the relief of Insolvent Debtors in *Ireland*.

To the Court for the } *A. B.* Assistant Barrister.
Relief of Insolvent Debtors. }

Sees. 1819.

(Ireland.)

A

B I L L

For the Relief of Insolvent Debtors in
Ireland.

Ordered, by The House of Commons, to be Printed,
30 Decr 1819.

522.